

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HENRY RODRIGUEZ ANTONGIORGI
Et Al

CIVIL NO. 98-2336 (JP)

Vs.

PLAINTIFFS DEMAND
TRIAL BY JURY

CENTRO COMERCIAL PLAZA VEGA
BAJA, INC., Et Al

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U.S. DISTRICT COURT
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ORDER AUTHORIZING RELEASE OF MEDICAL RECORDS

This matter having come before the Court on motion for order permitting discover of all the medical records of Mr. Henry Rodríguez Antongiorgi, Social Security # 584-13-1982, including Psychiatric, Alcohol, Drug, Sickle Cell Anemia and/or Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) or HIV Testing Records, the court makes the following findings of fact:

- (1) Jaime F. Agrait-Lladó is the attorney of record for plaintiff and veteran Henry Rodríguez Antongiorgi in the above styled cause, and has served the Health Information Management Section a Subpoena Duces Tecum for the purpose of obtaining copies of the medical records of Henry Rodríguez Antongiorgi from the following institutions:

- a) James A. Haley Veterans' Hospital,
Tampa, Fl, 33612-4799
- b) Brooke Army Medical Center Fort
Sam, Houston, Texas, 78236-5300
- c) Willford Hall USAF Medical Center
Lackland AFB Texas, 78236-5300
- d) U.S. Army Health Clinic, Fort
Buchanan P.R. 00934
- e) U.S. Air Force Regional Hospital
MacDill 8415 Bayshore Blvd.
Air Force Base Tampa Fl.
33621-1607

- (2) Said medical records of Mr. Henry Rodríguez, including psychiatric, alcohol, drug, sickle cell anemia and/or Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) or HIV testing records, are being

obtained for evidentiary use at a trial of this cause and are needed for the purpose of establishing pre-existing medical condition(s) as it relates to the injuries he allegedly sustained in an accident occurring at Vega Baja, Puerto Rico on October 1996.

- (3) Henry Rodríguez Antongiorgi, through the complaint filed by him in this case, has placed his mental and physical condition in issue both before and after his accident of October 1996.
- (4) The furnishing of said medical records is necessary to prevent possible fraud or injustice to plaintiff and defendant herein in their prosecution and defense of the subject cause.
- (5) The court has statutorily weighed the public interest and the need for disclosure against injury to the patient, to the physician-patient relationship, and to treatment services. The Court will impose appropriate safeguards against unauthorized disclosure, as it reaffirms that the copy of the medical records obtained through this Order are to be used only in the litigation of this case, and after the case is completed, defendant must destroy the medical records in question. (38 U. S. C. S 7332).

The Court being advised in the premises, it is:

ORDERED AND ADJUDGED that the release of any and all medical records, including psychiatric, alcohol, drug, sickle cell anemia and/or Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) or HIV testing records by the Health Information Management Section at the aforementioned institutions pertaining to Henry Rodríguez Antongiorgi by proper legal discovery to the Law Firm of Jaime F. Agrait Lladó is hereby judicially authorized.

DONE AND ORDERED IN CHAMBERS AT this 13th day of JAN 2000.


JAIME PIERAS, JR.
UNITED STATES DISTRICT JUDGE